



**STATE OF CONNECTICUT
JUDICIAL BRANCH**

EXTERNAL AFFAIRS DIVISION

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Testimony of the Honorable Barbara M. Quinn,
Chief Court Administrator
Judiciary Committee Public Hearing
March 4, 2013

S.B. 870, An Act Concerning Victim Compensation

**S.B. 995, An Act Concerning the Court Support Services Division of
the Judicial Branch**

H.B. 6387, An Act Concerning Court Operations

Good morning, Senator Coleman, Representative Fox, Senator Kissel, Representative Rebimbas, and members of the Judiciary Committee, my name is Barbara Quinn and I am the Chief Court Administrator. I am here today to testify in favor of three bills that make up the Judicial Branch's legislative package for this year: *Senate Bill 870, An Act Concerning Victim Compensation*, *Senate Bill 995, An Act Concerning the Court Support Services Division of the Judicial Branch*, and *House Bill 6387, An Act Concerning Court Operations*.

S.B. 870, An Act Concerning Victim Compensation

The purpose of this bill is to close gaps in coverage for crime victims, so that our Office of Victim Services can better serve their needs. The tragic events that occurred in Newtown this past December have made us acutely aware of these gaps. The Office of Victim Services has been actively engaged with the Newtown community and, as a result, is very aware of the needs of the many people who have been impacted by the shooting at Sandy Hook School. This bill would go a long way in addressing those needs by expanding the scope of coverage, so that appropriate services and compensation can be provided to those impacted by incidents of domestic terrorism and mass casualties. We are hopeful that the bill can be approved quickly in order to allow the expanded coverage to be implemented as soon as possible.

The bill reorganizes and adds to the definition section of the victim compensation statutes. It makes a significant change to that statute -- allowing recovery for emotional harm caused by a threat of physical injury or death. Currently, a victim must suffer a physical injury in order to qualify for compensation. It also adds victims and witnesses of domestic terrorism to those who can be compensated. The bill also expands the definition of "family member" to cover a broader range of family situations. All of these changes will allow the Office of Victim Services to serve victims whom they previously had to turn away. Finally, the bill makes a number of conforming and clarifying changes that will make this chapter of the general statutes more comprehensible and transparent.

I would like to respectfully request that the bill be amended to change its effective dates so that the bill will become effective upon passage, and apply retroactively to December 14, 2012. We apologize for not including the correct effective date language in the proposal we submitted.

**S.B. 995, An Act Concerning the Court Support Services Division of
the Judicial Branch**

This bill, for the most part, concerns the sharing of information among various state entities.

Section 1 would allow the Court Support Services Division (CSSD) to screen the families they are working with for Department of Children and Families (DCF) involvement. If this proposal should pass, CSSD would inquire with DCF about family involvement, and if DCF answers affirmatively, CSSD staff would obtain a release from the family to gain access to DCF records, speak with DCF staff, etc. Currently, initial information about whether CSSD clients are DCF involved is obtained through self-reporting. The ability to verify if all clients have active cases with DCF directly will provide more accurate information to the court and CSSD, resulting in a better understanding of the client's and the client's family needs, facilitating the provision of appropriate supervision and services.

Section 2 would allow Probate Court judges and employees to access juvenile records, to the extent necessary to perform their official duties. This proposal was submitted at the request of the Probate Court Administrator. It would facilitate communications between the Superior Court and Probate Court regarding shared jurisdiction over children's matters. The two courts often confer and transfer cases between one another once a determination of the appropriate

venue is made. This is a companion piece to legislation passed in 2012 to allow DCF to disclose information to Probate Court judges and employees.

Section 3 would amend the language enacted at our request in 2012 to make Alternative Sentencing Plans confidential, to allow the Division of Criminal Justice (State's Attorneys) and Department of Correction access to the alternative sentencing plans and community release plans. Precluding access to those entities was an oversight; they need access to this information.

Section 4 would specifically authorize the Judicial Branch to access the Connecticut On-Line Enforcement Communication Teleprocessing (COLLECT) system in order to evaluate the suitability of applicants for certain sensitive Judicial Branch and contractor positions, such as those with access to secure Judicial Branch information systems. Because of the nature of the access that they will have, the Judicial Branch needs to be able to screen certain categories of potential employees, and contractors' potential employees, for pending and non-disclosable cases.

I would like to respectfully request that two amendments to the bill. As often happens, upon a second, or third, review of the language we realize that it could be made even better. The first amendment that I would like to request is that the phrase "or as otherwise provided by law" be added at the end of line 234. The second amendment is to add one more section of the bill to amend C.G.S. section 54-63b in order to add "consideration of the safety of others" to the uniform weighted release criteria utilized by the Court Support Services Division. This proposed amendment is attached to my testimony.

H.B. 6387, An Act Concerning Court Operations

This bill makes a variety of changes that are intended to enhance the operations of the Judicial Branch. Since it covers a variety of topics, I will provide you with a section by section summary of the bill:

Sections 1 and 3 state explicitly that the family division of the Superior Court has jurisdiction over the dissolution, legal separation, or annulment of a civil union entered into in a foreign jurisdiction and that all procedures, requirements, and substantive law currently in place to address family matters applies equally to these civil unions.

Section 2 would permit ex parte restraining orders to remain in effect when the court is unexpectedly closed due to inclement weather or other unforeseen circumstances on the day of

the scheduled hearing. In these instances, the hearing will be held on the next day the court is open.

Section 4 would provide explicit authority for a court to issue an emergency ex parte order of custody in a pending family court matter when an immediate and present risk of physical danger or psychological harm to the child is demonstrated. If granted, a hearing on the application would be held not later than fourteen days from its issuance.

Section 5 would enable the clerk of the court to comply with a Department of Public Health (DPH) request that an original paternity acknowledgement, as opposed to a certified copy, be filed with their paternity registry.

Section 6 would allow a party to file a motion, as opposed to a petition, in instances where a request to reinstate guardianship is sought, obviating the need for service of process.

Sections 7 and 13 repeal, on the recommendation of the Commission on Civil Court Alternative Dispute Resolution, an under-utilized early intervention and evaluation program for personal injury cases involving a motor vehicle. Upon agreement of the parties, a request for early intervention could still be accommodated.

Section 8 would add violations for the failure to remove snow or ice to the list of matters that are payable by mail to the Centralized Infractions Bureau.

Sections 9 and 11 would replace the antiquated term of "lodge the file" to "file" to reflect the clerk's current procedure of creating a file and assigning a docket number in these instances.

Section 10 would allow small claims commissioners – attorneys who hear small claims cases on a voluntary basis – to sign decisions electronically, just as judges and small claim magistrates are currently permitted to do.

Section 12 would expand the authority of the Office of Victim Services (OVS) to allow it to provide compensation in instances of physical injury – in addition to instances of serious physical injury – when an injury occurs and a party is cited for evasion of responsibility. This same language is also included in S.B. 870, *AAC Victim Compensation*, so it can be deleted from this bill should the Committee wish to do so.

And finally, I would also like to request the following amendment to address the scenario where a hearing on a restraining order has been scheduled for a day that court is unexpectedly closed:

In line 61, after "If", insert "a hearing on the application is scheduled or if".

In conclusion, I urge the Committee to act favorably on these proposals. Thank you again for the opportunity to testify. I would be happy to answer any questions you may have.

Proposed Amendment to S.B. 995, An Act Concerning the Court Support Services
Division of the Judicial Branch

Insert the following after line 358:

Sec. 5. Subsection (b) of section 54-63b of the general statutes is repealed and the following is substituted in lieu thereof:

(b) The Court Support Services Division shall establish written uniform weighted release criteria based upon the premise that the least restrictive condition or conditions of release necessary to ensure the appearance in court of the defendant and sufficient to reasonably ensure the safety of any other person will not be endangered is the pretrial release alternative of choice. Such criteria shall be based on, but not be limited to, the following considerations: (1) The nature and circumstances of the offense insofar as they are relevant to the risk of nonappearance and safety of others; (2) the defendant's record of previous convictions; (3) the defendant's past record of appearance in court after being admitted to bail; (4) the defendant's family ties; (5) the defendant's employment record; (6) the defendant's financial resources, character and mental condition; and (7) the defendant's community ties.